

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/IB04/01812, filed on 03 June 2004.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Owen Davis et al (US 6,138,155, hereafter Davis).

Regarding claim 1, Davis teaches *a method of collecting data regarding a plurality of web pages visited by at least one user [Davis: title], the method comprising the steps of:*

*receiving, at a server [Davis: Column 4 Lines 60-67], identification data together with web page data, wherein the identification data identifies a website access device [Davis: "client machine", Column 1 Line 52] of a user [Davis: by "network ID" or "IP address", Column 4 Line 33] and the web page data identifies a web page [Davis: "resource", Column 4 Line 9 identified by "the HTTP request header", Column 5 Line 47] which the user has requested to view using the website access device [Davis: Column 4 Lines 60-67];*

*storing the identification data amid the web page data in a database [Davis: Column 4 Lines 29-37];*

*storing personal data of a plurality of users, the personal data including a unique identifier [Davis: "client ID" or "cookie", Column 4 Line 34] of each user [Davis: Column 4 Lines 29-37];*

*receiving a request from a user to view a web page, the request including a unique identifier of the user and identification data identifying the website access device used by the user [Davis: Column 5 Lines 44-48]; and*

*using the unique identifier and identification data from the request to retrieve the user's personal data and to link the web page data to the user [Davis: Column 5 Lines 1-7].*

Regarding claim 2, Davis teaches that *the unique identifier is at least one of a users name, e-mail address or a unique identifier generated for the user [Davis: "client IDs" or "cookies", Column 4 Lines 15-22].*

Regarding claim 7, Davis teaches that *a tracking script is inserted into the code of a web page [Davis: Column 5 Lines 18-21] to communicate identification data and/or unique identifier data to the server [Davis: Column 4 Lines 7-14].*

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of Ross H. Hayashi et al (US 7171481, hereafter Hayashi).

Regarding claim 3, Davis teaches the method of claim 1 as discussed above wherein *the request from the user is generated from identifiable interaction with the website* [Davis: Column 2 Lines 8-19].

Davis does not explicitly disclose that *the request from the user is generated from an email communication*.

However, Hayashi teaches that an e-mail message includes a link to a network resource [Hayashi: Column 2 Lines 3-9] that, when clicked, generates click-stream data for a server [Hayashi: Column 3 Lines 14-19].

Davis and Hayashi are analogous art in the same field of endeavor as both cover user tracking.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the e-mail technique of Hayashi for tracking e-mail click-streams in the system of Davis. One of ordinary skill in the art would have been

motivated to modify the system of Davis with the e-mail technique of Hayashi because in doing so, the system would allow for providing links via e-mail [Hayashi: Column 1 Lines 15-16].

Regarding claim 4, Davis and Hayashi teach that the *interaction with the website is the completing of an online form* [Davis: Column 2 Lines 8-19] *or the requesting of a web page through a website access device or internet browser* [Hayashi: Column 3 Lines 1-13].

Regarding claim 8, Davis and Hayashi teach *the step of redirecting the user to the requested web page* [Hayashi: Column 3 Lines 19-22].

6. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis and Hayashi as applied to claim 3 above, and further in view of Andrew Knox et al (US 7072947, hereafter Knox).

Regarding claim 5, Davis teaches the method of claim 1 as discussed above.

Davis does not explicitly disclose *sending an e-mail to a plurality of users, the e-mail including a link to further information available within the e-mail or alternatively a requested web page therein, wherein the request from the user to view the information or requested web page is generated by the user selecting the link.*

However, Hayashi teaches *sending an e-mail, the e-mail including a link to further information available within the e-mail* [Hayashi: Column 2 Lines 3-9] *or alternatively a requested web page therein* [Hayashi: Column 4 Lines 6-10], *wherein the request from the user to view the information or requested web page is generated by the user selecting the link* [Hayashi: Column 3 Lines 1-19].

Davis and Hayashi are analogous art in the same field of endeavor as both cover user tracking.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the e-mail technique of Hayashi for tracking e-mail click-streams in the system of Davis. One of ordinary skill in the art would have been motivated to modify the system of Davis with the e-mail technique of Hayashi because in doing so, the system would allow for providing links via e-mail [Hayashi: Column 1 Lines 15-16].

Davis and Hayashi do not explicitly disclose that the e-mail is sent *to a plurality of users*.

However, Knox discloses a system wherein an e-mail message is sent to multiple recipients via a mass-mail tool [Knox: Column 1 Lines 39-42].

Davis, Hayashi and Knox are analogous art in the same field of endeavor as all cover user tracking.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the mass-mailing technique of Knox for distributing an e-mail widely in the system of Davis and Hayashi. One of ordinary skill in the art would

have been motivated to modify the system of Davis and Hayashi with the mass-mailing technique of Knox because in doing so, the system would allow for reaching a much wider audience in a short period of time [Knox: Column 1 Lines 26-29].

Regarding claim 6, Davis, Hayashi and Knox teach that *once the user has selected the link, the user's request is routed first to the server before being redirected to the requested web page* [Hayashi: Column 3 Lines 19-22] *or alternatively information relating to clicking on the link is shared with the server* [Knox: Column 7 Lines 35-37].

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of Batya Friedman et al (*Informed Consent in the Mozilla Browser*, hereafter Friedman).

Regarding claim 9, Davis teaches the method of claim 1 as discussed above. Davis does not explicitly disclose *the step of providing a user with the capability to verify if their interactions with a website are being tracked as an identifiable user and accordingly opt out from the identification and tracking process*.

However, Friedman discloses a system that provides users information on cookie events (tracking) as they occur [Friedman: Page 5 Column 1 Paragraph 1] and allows users to opt-out by deleting and blocking such cookies [Friedman: Page 5 Column 1 Paragraphs 3 and 8].

Davis and Friedman are analogous art in the same field of endeavor as both cover user tracking.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the cookie monitor of Friedman for providing user control of cookies in the system of Davis. One of ordinary skill in the art would have been motivated to modify the system of Davis with the cookie monitor of Friedman because in doing so, the system would allow for critical protection for privacy [Friedman: Page 1 Introduction Paragraph 1].

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of Frances C. Brown (US 6961759, hereafter Brown).

Regarding claim 10, Davis teaches the method of claim 1 as discussed above. Davis does not explicitly disclose that *a plurality of website access devices are associated with a single individual and therefore provide collective web page data on the individual*.

However, Brown teaches a method of identifying a single user across a variety of client devices by means of cookies stored on a proxy [Brown: Column 3 Lines 7-10].

Davis and Brown are analogous art in the same field of endeavor as both cover user tracking.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the cookie proxy technique of Brown for tracking a

Art Unit: 4117

user across devices in the system of Davis. One of ordinary skill in the art would have been motivated to modify the system of Davis with the cookie proxy technique of Brown because doing so would allow for consistency of a user's cookies [Brown: Column 2 Lines 50-54].

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Imad Hussain whose telephone number is 571-270-3628. The examiner can normally be reached on Monday through Thursday from 0730 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beatriz Prieto can be reached on 571-272-3902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IH/  
Imad Hussain  
Examiner  
10/30/2007

/Prieto B./  
Supervisory Patent Examiner, Art Unit 4117